

the declared statements of the inventorship or duties of the inventors. For these reasons, Applicants respectfully submit that the declaration should be accepted. Further, a substantially contemporary document, the executed assignment, corroborates the residence and citizenship of the inventors disclosed in the declaration. This document was sent to the Patent and Trademark Office on or about March 20, 1998, for recordation. For these reasons, Applicants respectfully request that the objection to the declaration be withdrawn.

Second, the Office Action objects to three amendments to the specification filed on or about August 19, 1997, and April 8, 1997, as introducing new matter. Applicants have requested above that two of these three be canceled. The third objection, to page 3, lines 20-21, lacks foundation. The specification at page 7, lines 26-29, clearly indicates that the longitudinal ribs touch. Thus, the grooves formed between adjacent ribs are closed. Reconsideration of this objection is earnestly solicited.

Third, the Office Action objects to the specification under 35 U.S.C. §112, first paragraph, as failing to adequately teach how to make and/or use the invention. The Office Action alleges that Figs. 2 and 4 are inconsistent - Fig. 2 shows outwardly open grooves and Fig. 4 shows outwardly closed grooves. Applicants respectfully traverse this objection, and they will address these issues below in the corresponding rejection under 35 U.S.C. §112, first paragraph.

Fourth, the Office Action objects to the specification under 35 U.S.C. §112, first paragraph, for allegedly failing to provide support for the invention as claimed in Claim 28. Applicants have requested that Claim 28 be canceled, rendering this objection moot. Withdrawal of this objection is earnestly solicited.

Fifth, the Office Action objects to the specification for allegedly failing to provide antecedent basis for the subject matter of Claim 15. Applicants have amended the specification to import the claimed range from the originally filed claim 15 into the specification at page 8, line 29. Reconsideration and withdrawal of the objection are earnestly solicited.

#### **Rejections of the Claims**

Claims 9-12, 14-19, 23-26, and 28 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that they possessed the claimed invention at the time the application was filed. This rejection is based upon the new matter objection to the specification discussed above. Applicants respectfully request reconsideration of this rejection.

First, Applicants note that Claim 28 has been canceled, and they will address the rejection of Claims 9-12, 14-19, and 23-26. Applicants have attempted to clarify their position regarding the alleged new matter by canceling two of the passages objected to and by pointing to the specific support for the third passage. For the reasons described above, Applicants believe that all claims are fully supported in the originally filed specification and that no impermissible new matter has been added to the specification. Reconsideration and withdrawal of this rejection are earnestly solicited.

Claims 9-12, 14-19, 23-26, and 28 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicants respectfully request reconsideration of this rejection.

The Office Action alleges that Figs. 2 and 4 are inconsistent - Fig. 2 shows outwardly open grooves and Fig. 4 shows outwardly closed grooves. Paper No. 28 (referred to in this objection) concludes that the specification fails to adequately teach how to make/use the invention, because it is allegedly unclear whether the tampon, as made, includes open or closed grooves. Applicants respectfully point out that the independent claims do not require open or closed grooves, merely that "each of the ribs is separated from adjacent ribs at the proximal end by an amount greater than such rib is separated from an adjacent longitudinal rib proximate the distal end" (Claim 23). Therefore, in its broadest scope, the tampon may have outwardly open, outwardly closed, or both open and closed grooves. The alleged inconsistency between Figs. 2 and 4 can be recognized by the skilled practitioner as an issue of detail in Fig. 4 and a corresponding lack of detail in Fig. 2. This lack of detail in Fig. 2 does not raise to a level of inadequate teaching of the invention. Reconsideration and withdrawal of this rejection are earnestly solicited.

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 9-12, 14-19, and 23-26 are in proper condition for allowance. Favorable action is therefore requested.

Respectfully submitted,



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